



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,437	01/31/2001	Wesley McMillan Devine	5577-224	8019

20792 7590 11/04/2005

MYERS BIGEL SIBLEY & SAJOVEC  
PO BOX 37428  
RALEIGH, NC 27627

EXAMINER

MEUCCI, MICHAEL D

ART UNIT PAPER NUMBER

2142

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/773,437		DEVINE ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Michael D. Meucci		2142	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 6, 8, 19 and 21 is/are rejected.
- 7) ☒ Claim(s) 3, 4 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

### DETAILED ACTION

1. This action is in response to applicant's request for reconsideration filed 08 August 2005.

2. Because new grounds of rejection are being made to substantially unamended claims, this action is **non-final**.

3. Examiner acknowledges amendments made to overcome 35 U.S.C. § 112 rejections. These rejections have been withdrawn.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3-4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claimed "LUSTAT message" is not defined by the specification.

6. Claim 4 requires methodology of claim 3 in that there is no mention of the LUSTAT message being sent. Applicant could overcome this however, by amending claim 4 to read: --receiving a user logon screen from the SNA application in response to receiving an LUSTAT message at the SNA application, from the TN3270E server-- or by combining claims 3 and 4.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2, 5, 8, 19, and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Ariga (U.S. 6,415,331 B1) in view of TDB-ACC-NO: NNRD422115 hereinafter referred to as IBM-422115.

a. As per claims 1, 19, and 21, Ariga teaches: reestablishing the IP connection between the server and the client (lines 55-58 of column 1, lines 34-37 of column 7, lines 15-16 of column 8, label 306 in Fig. 5, and Fig. 6, 7, and 10); and forwarding a refresh request to the application (lines 37-40 of column 7, lines 22-55 of column 8, labels 307-308 in Fig. 5, and Fig. 6, 7, and 10).

Ariga does not explicitly teach the host application as an SNA application or the request as a screen request. However, IBM-422115 discloses: "When a Telnet 3270 (TN3270) Client exchanges files with an SNA Host across a Telnet 3270 Server, the packets of information related to the file being exchanged are sent between the Client and its Server using the same sessions (TCP and SNA sessions) than those used for screen related interactions such as a screen refresh," (paragraph 1 of disclosure). SNA applications are just a specific set of applications and screen refresh requests are in the service request subset, so it would have been obvious to one of ordinary skill in the art

at the time of the applicant's invention to have the application as an SNA application and the service request as a screen refresh request in the system as taught by Ariga.

b. As per claim 2, Ariga teaches: receiving a refresh from the application (lines 41-46 of column 7); and forwarding the screen refresh to the client over the reestablished IP connection (lines 47-55 of column 7). Ariga does not explicitly teach screen refreshes, SNA applications, and TN3270E equipment, but these limitations are discussed in the rejection of claim 1 above and will not be scrupulously discussed hereinafter.

c. As per claim 5, Ariga teaches: wherein the screen refresh received from the application and forwarded to the client comprises a last data screen that was forwarded from the application and acknowledged as received by the client (lines 1-10 of column 11).

d. As per claim 8, Ariga teaches: wherein the IP connection comprises a TCP/IP connection (lines 55-58 of column 1 and Fig. 1).

9. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Ariga in view of IBM-422115 as applied to claim 1, further in view of Chu et al. (U.S. 6,006,331) hereinafter referred to as Chu and Official Notice.

As per claim 6, Ariga does not explicitly teach: receiving a user logon screen from the application in response to the screen refresh request; forwarding the user logon screen to the client; receiving logon information from the client; checking the authenticity of the received logon information; and resuming the session if the received

Art Unit: 2142

logon information is authentic. However, Chu discloses: "the client may send a refresh request to the server, not knowing that its entry in the dynamic directory is no longer there. In response to receiving an error message from the server (that is, a message notifying the client to log back onto the server), the client resends the information cached from its first log-on to relog onto the server. The client can do this automatically, without having to ask the user at the client to reinput the information it had previously entered during the first logon," (lines 25-33 of column 4). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receive a user logon from the application in response to the screen refresh request; forward the user logon to the client; receive logon information from the client; check the authenticity of the received logon information; and resume the session if the received logon information is authentic. "When a client crashes after having already logged onto the server, it is able to relog back onto the server by using its token. The server permits the client to immediately relog onto the server, without the client having to wait for its entry in the dynamic directory maintained by the server to time out and be deleted by the server. For example, the server permits the client to take over its former entry in the directory upon matching the token submitted by the client when relogging onto the server with the token for that client already known by the server. To solve the recovery problem when the server crashes, or when the network linking each client to the server crashes, another aspect of the invention calls for each client to cache all the information sent from the client to the server when first logging onto the server," (lines 6-20 of column 4 in Chu). It is for this reason that one of ordinary skill in the art at the time of

Art Unit: 2142

the applicant's invention would have been motivated to receive a user logon from the application in response to the screen refresh request; forward the user logon to the client; receive logon information from the client; check the authenticity of the received logon information; and resume the session if the received logon information is authentic

Ariga and Chu do not explicitly teach a logon screen. However, Official Notice is taken of this limitation. Chu teaches a recovery system in which the client logon information is sent automatically, clearly making it obvious that the client logon information can be sent in manually by the client, requiring a logon screen or prompt to enter client information such as a username and password. Utilizing a logon screen would increase security so that a non-authorized user could not enter the system if the authorized user leaves the terminal. It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to use a logon screen in the system as taught by Ariga, IBM-422115, and Chu.

***Allowable Subject Matter***

10. Claims 3-4 and 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

a. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The claimed "wherein the step of forwarding a screen refresh request to the SNA application comprises sending an LUSTAT message to the SNA application," cannot be found in the prior art.

b. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Dependant claim 7 would also be deemed allowable if the limitations of claim 4 and all claims it is dependent upon are included in the independent claims.

The claimed "receiving a user logon screen from the SNA application in response to an LUSTAT message; forwarding the user logon screen to the TN3270E client; receiving logon information from the TN3270E client; checking the authenticity of the received logon information; and forwarding the screen refresh to the TN3270E client over the reestablished IP connection only if the received logon information is authentic" cannot be found in the prior art.

12. If applicant decides to include the limitations of claim 3 in claim 1 (including intervening claim 2), include the limitations of claim 4 in claim 1 (including intervening claim 2), or include the limitations of both claims 3 and 4 (including intervening claim 2),



the examiner recommends amending claims 19 and 21 in a like manner to put these claims in condition for allowance.

Additionally, if applicant decides to include ONLY claim 3 (including claim 2) or ONLY claim 4 (including claim 2), the applicant is reminded to correct the dependencies of all claims dependent upon claim 2.

### ***Response to Arguments***

13. Applicant's arguments, see pages 5-6, filed 08 August 2005, with respect to 35 U.S.C. § 101 rejection have been fully considered and are persuasive. The 35 U.S.C. § 101 rejection of claim 21 has been withdrawn.

14. Applicant's arguments with respect to claims 1-2, 5, 19, and 21 have been considered but are moot in view of the new ground(s) of rejection. However, upon further consideration, a new ground(s) of rejection is made in view of Ariga (see above).

15. Applicant's arguments with respect to claim 3 have been fully considered and are persuasive. The rejection of claim 3 has been withdrawn. The applicant points out that the cited Lederer reference states that the LUSTAT RU message tells the SNA application "that it may now transmit data," which does not read on the claim limitation: "wherein the step of forwarding a screen refresh request to the SNA application comprises sending an LUSTAT message to the SNA application." As such, claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if

Art Unit: 2142

rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reuther et al. (U.S. 5,287,534) discloses screen refreshes and resuming session.

Misra et al. (U.S. 5,757,920) discloses logon certification.

Reiche (U.S. 6,092,196) discloses HTTP distributed remote user authentication system.

Doyle et al. (U.S. 6,128,738) discloses security in SNA systems.

Miller et al. (U.S. 6,587,867 B1) discloses profile management and logon features.

RFC 2355 discloses TN3270 Enhancements.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BEATRIZ PRIETO  
PRIMARY EXAMINER